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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,909	12/28/1999	RICHARD D. MARRY	E-954	2919

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,909

Applicant(s) 

MARRY ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Admt C of 1/7/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 12/30/03
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendments filed 10/16/03 and 1/7/04 have been entered. Claims 1-3 are active while claims 4-6 have been canceled.

Response to Arguments

1. Applicant's Amendments of the claims and the drawings to overcome the 112, 2nd rejection and objections are persuasive and the rejections have been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARTICLE 7/1998 ("Mission Possible...Processing System") in view of ARTICLE 8/1995 (Mailroom Automation:.... Mailers).

As for claim 1, ARTICLE 7/1998 discloses a method for automation of mail processing system and provide detailed cost/performance analysis of the mail processing cost using cost performance matrix so it knows exactly what each type of error costs using a continuous analysis mechanism to measure everything comprising the steps of :

- a) collecting information about each one of a plurality of mailpieces sorted using the incoming mail sorting apparatus (240 Multi-Line OCR systems or OCR/ICR),

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the information used to determine a type of mailpiece and addressee information for each one of the plurality of mailpieces;

c) associating the information about each one of the plurality of mailpieces sorted using the incoming mail sorting apparatus using the incoming mail sorting apparatus with addressee information from the database of addresses (directory of authentic addresses) and

e) calculating the saving of automation processing the mail pieces (see pages 1-3).

Note that ARTICLE 7/1998 discloses the major cost of the mail processing is the sorting and zip encoding. ARTICLE 7/1998 also discloses the sorting efficiency or performance of the OCR (or cost of service) depends on the speed and accuracy of processing the mail, scanning, reading, comparing the address with database, and encoding and wherein these variables depend on 1) type of address information: machine-printed or handwritten, 2) quality of address script: type of font, printing quality (low or high), 3) location of address information, 4) types of mail or envelopes which varying in size and color, 6) zip code, 7) other noises, and 8) reading and comparing address information with those in the database and 9) Errors or rejections, etc. All of these issues affect the speed rate and accuracy of the OCR, thus the performance of the OCR or sorting cost or automation saving. ARTICLE 7/1998 fairly discloses the claimed invention except for displaying specifically sorting costs and calculating the sorting cost information using the piece count stored in association with the corresponding addressee (steps (d) and (e)).

ARTICLE 8/1995 is cited to teach about automation of mail pieces with OCR sorting apparatus whereby sorting costs of mailpieces are calculated (\$3.00/1000 letters using OCR system of the Postal Service Computer Equipment) and each OCR contains a data base for every delivery address in the nation for comparing and correction of the information (see page 4).

It would have been obvious to modify the process of ARTICLE 7/1998 by specifically calculating the sorting costs of incoming mail using a similar OCR system as mentioned in both ARTICLE 8/1995 if desired so that a cost savings or discount can be passed on to the qualifying mailers as taught by ARTICLE 8/1995. ARTICLE 8/1995 also discloses that each OCR normally contains a data base (or directory) for every delivery address in the nation, and the data base also contains national and local address "aliases". ARTICLE 8/1995 also disclose the speed or performance of the OCR varies with the variables indicated above. Therefore, it would have been obvious to collect information about the mail pieces such as type of mailpiece (size, color) and addressee information (type of script/print: handwritten or machine printed), location of address, printing quality, font types or handwritten quality, noises, etc., for calculating the cost of sorting or sorting efficiency of incoming mail pieces. As for the limitation of the piece count which deals with keeping track of the mails service cost by the mailer or cumulative charge for the mailer for mail services used on variety of mail pieces, this has nothing to do with the "calculation of the sorting costs for an incoming mail" but is related to the calculation of a charge back amount for a certain client (see specification page 3, lines 15-17, 26-28, Tables A and B of page 9. Alternatively, it would have been

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obvious to set up an account service in the system of ARTICLE 7/1998 and ARTICLE 8/1995 to keep track of charge back or sorting cost for variety of users if desired since one of the goal of ARTICLE 7/1998 /ARTICLE 8/1995 is to determine the cost saving and passing the savings or discount to the qualifier users or mailers (see ARTICLE 8/1995 page 4, 3rd paragraph).

As for claim 2, this is fairly taught in ARTICLE 7/1998 which discloses "mails come in variety of size and color, designs, etc." which reads over letter, flat or postcard or would have been obvious in view of the general teachings of ARTICLE 7/1998 and ARTICLE 8/1995. As for claim 3, this is taught in ARTICLE 7/1998 (2nd paragraph).

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113. Applicant can also review the status of the application from the Patent Application Information Retrieve (PAIR) system, see <http://pair-direct.uspto.gov>.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov.

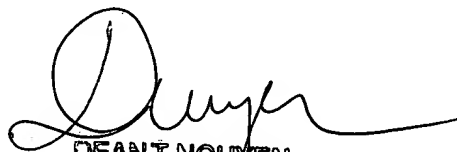
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053, personal Right Fax at (703) 872-9674. My work schedule is normally Monday through Friday from 6:30 am through 4:00 pm with every 1st Friday of the bi-week off.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9327. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
February 18, 2004


DEAN T. NGUYEN
PRIMARY EXAMINER